

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

DOUGLAS E. STAGGS,

Plaintiff,

v.

MICHAEL J. ASTRUE, Commissioner of  
Social Security,

Defendant.

CASE NO. C09-5374BHS

ORDER DENYING  
PLAINTIFF'S MOTION TO  
ALTER OR AMEND  
JUDGMENT

This matter comes before the Court on Plaintiff's ("Staggs") motion to alter or amend judgment pursuant to Fed. R. Civ. P. 59(e). The Court has considered the pleadings filed in support of and in opposition to the motion and the remainder of the file and hereby denies the motion for the reasons stated herein.

**I. PROCEDURAL AND FACTUAL HISTORY**

On October 13, 2010, the Court adopted the report and recommendation of the Honorable Magistrate Judge Karen L. Strombom in this matter. Dkt. 30 (referring the matter back to the ALJ for further consideration consistent with the report and recommendation). On December 2, 2010, Staggs moved the court to alter or amend its judgment under Fed. R. Civ. P. 59(e). On December 17, 2010, Defendant opposed Staggs' motion. Staggs did not reply.

## II. DISCUSSION

The Ninth Circuit resolves motions under Rule 59(e) under the same standard as a motion for reconsideration. *School Dist. No. 1J, Multnomah Count, Or. v. ACandS, Inc.*, 5 F.3d 1255 (9th Cir. 1993). The Ninth Circuit has set out the standard of review for motions for reconsideration as follows:

Reconsideration is appropriate if the district court (1) is presented with newly discovered evidence, (2) committed clear error or the initial decision was manifestly unjust, or (3) if there is an intervening change in controlling law. *See All Hawaii Tours, Corp. v. Polynesian Cultural Center*, 116 F.R.D. 645, 648 (D. Hawaii 1987), *rev'd on other grounds*, 855 F.2d 860 (9th Cir. 1988). There may also be other, highly unusual, circumstances warranting reconsideration.

*Id.*

The Court has reviewed the briefing on this motion, its prior order, and the relevant portions of the record. The Court concludes that Staggs has not met his burden on reconsideration.

## III. ORDER

Therefore, it is hereby **ORDERED** that Staggs' motion (Dkt. 32) is denied.

DATED this 10th day of January, 2011.



BENJAMIN H. SETTLE  
United States District Judge